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Federal Communications Commission
Office of the Secretary

In the Matter of)

Revision of the Commission's Rules to)
Ensure Compatibility with Enhanced 911)
Emergency Calling Systems)

CC Docket 94-102

To: Wireless Telecommunications Bureau

**REQUEST OF CENTENNIAL COMMUNICATIONS CORP.
FOR LIMITED WAIVER / EXTENSION OF LOCATION-CAPABLE HANDSET
PENETRATION DEADLINE**

Centennial Communications Corp. ("Centennial"), by its attorneys and pursuant to 47 C.F.R. §§ 1.3 and 1.925, hereby respectfully requests an extension of Section 20.18(g)(1)(v) of the Commission's rules, which requires CMRS carriers who employ a handset-based solution to comply with the Commission's Phase II E911 requirements to achieve a location-capable handset penetration rate among subscribers of at least 95% by December 31, 2005. Pursuant to 47 C.F.R. § 20.18(i) and the *Fourth Memorandum Opinion and Order*¹ in this proceeding, Centennial also hereby amends the Phase II E911 Implementation Plan submitted on September 26, 2001, wherein it notified the Commission that it was changing the Phase II E911 technology it intended to deploy in its Caribbean markets.² For a variety of reasons that will be discussed

¹ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd. 17442 (2000) ("Fourth MO&O").

² At the time, Centennial had decided to switch from a Lucent Technologies hybrid solution to a network-based solution offered by TruePosition, Inc. The decision to change Phase II E911 technologies was based both on economic and technological factors. Specifically, not only was Centennial able to realize significant cost savings to its customers by switching to a network-based solution, in the fall of 2001, none of Centennial's handset vendors was producing ALI-capable handsets that were also compatible with Centennial's CDMA network.

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below, Centennial recently decided to switch to a handset-based solution in meeting its Phase II E911 deployment requirements in its Caribbean markets.

I. Background

Centennial Puerto Rico License Corp., a subsidiary of Centennial, holds the B block broadband PCS license for MTA 25 – Puerto Rico/US Virgin Islands. A single PSAP serves Centennial's entire Puerto Rican service area. Within MTA 25, Centennial also provides service to the U.S. Virgin Islands of St. Croix and St. Thomas under its B Block license. Each of the two islands, St. Croix and St. Thomas, is served by a single PSAP; however neither PSAP has made a request to Centennial for either Phase I or Phase II E911 service. Accordingly, deployment on the U.S. Virgin Islands is not at issue in this Request.

On November 4, 2003, Centennial received a request for Phase I and II E911 service from the sole PSAP for Puerto Rico, Junta de Gobierno del Servicio 911. Centennial and the PSAP were working cooperatively towards deploying both Phase I and Phase II E911 service in Puerto Rico by July 15, 2004. However, due to persistent equipment compatibility problems between carriers and the PSAP, the parties agreed to extend the Phase II deployment target until August 20, 2004. As of August 3, 2005, when Centennial voluntarily filed its Tenth Quarterly Report in CC Docket No. 94-102, both Phase I and Phase II service had been implemented.

Although Centennial initially deployed a network-based solution to effectuate E911 service, Centennial has since initiated a complete upgrade of its system in Puerto Rico. As part of that overhaul, Centennial has upgraded from Lucent to Nortel switches, effectively replacing its entire network in Puerto Rico. As a part of that upgrade, Centennial has necessarily switched from a network- to a handset-based solution, thus potentially increasing the overall system

reliability and accuracy with which subscribers can be located in an emergency, through use of GPS-enabled devices in individual handsets.

As a result of this new change in the technology it employs, Centennial will be unable to comply with the December 31, 2005 95% penetration deadline. However, notwithstanding the recent changes to its system and the fact that the E911 capability of the new handset-based system is still in the testing stages, Centennial can now report a penetration rate at or exceeding 79% as of the end of October 2005. (See Exhibit 1, attached hereto.) Because Centennial's network-based system is still in operation, however, the percentage of Centennial customers presently using E911 capable phones in either one of the two systems is significantly higher than 79%. (As noted below, Centennial proposes to keep its network-based system operational through at least the extended December 31, 2006 deadline it has proposed for the 95% penetration requirement.) Centennial is also presently in compliance with the phase-in requirements for handset-based location technologies under 47 C.F.R. § 20.18(g)(ii)-(iv), with 100% of all new digital handsets being location-capable.

As in the past, Centennial is working closely with the PSAP in Puerto Rico in order to make sure that its needs are met as soon as practicable. Significantly, Centennial has committed to maintaining its network-based E911 solution in Puerto Rico *concurrently* while adapting to a handset-based solution until December 31, 2006. The PSAP – Junta de Gobierno del Servicio 911 – has not indicated any objections to, or concerns with, Centennial's proposal. In light of our conversations with the PSAP, Centennial reasonably anticipates that the PSAP would support this Request for Waiver.³

³ As the National Emergency Number Association recently noted in a letter to Chairman Martin: "Past history of interaction between PSAPs and wireless carriers shows clearly that a managed, collaborative approach to service improvement results in more progress in a shorter time than does unmet unilateral expectations and exhausting legal conflicts."

II. Relief Sought

Centennial seeks only a short extension of the deadline imposed by 47 C.F.R. § 20.18(g)(i)(v), requiring 95% penetration of location-capable handsets among subscribers by December 31, 2005, and only seeks an extension with respect to Puerto Rico. Centennial anticipates achieving that benchmark by December 31, 2006, and accordingly, seems a limited, one-year waiver of § 20.18(g)(i)(v) until that date.

III. Waiver Standard

Under Section 1.3 of the Rules, the relevant sections of Title 47 “may be suspended, revoked, amended, or waived *for good cause shown*, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter.”⁴ Additionally, Rule 1.925 regarding wireless telecommunications services, specifically, allows the grant of waiver requests if:

(i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; *or*

(ii) [i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.”⁵

Citing Rule 1.3, the Commission has noted that “[i]n the case of E911,” there may be instances where “technology-related issues or exceptional circumstances may mean that deployment of Phase II” would not be possible by a deadline, prompting individual waiver requests.⁶ In those circumstances, E911 waiver requests should be “specific, focused and limited

⁴ 47 C.F.R. § 1.3 (emphasis added).

⁵ 47 C.F.R. § 1.925(b)(3) (emphasis added).

⁶ *Fourth Memorandum Opinion and Order*, ¶ 43.

in scope,” with a “clear path to full compliance” with the rule at issue.⁷ “If deployment is scheduled but for some reason must be delayed, the carrier should specify the reason for the delay and provide a revised schedule.”⁸ Moreover, “[i]f a carrier’s preferred location solution is not available or will not fully satisfy the rules, . . . the carrier would be expected to implement another solution that does comply with the rules.”⁹

As shown below, Centennial satisfies *all* of the requirements for a waiver.¹⁰

IV. Centennial Has Demonstrated Good Cause for Granting a Limited Waiver

Centennial’s proposal for a short extension of the December 31, 2005 deadline with respect to Puerto Rico is specific and limited in scope, and is intended to bring about full compliance with the 95% penetration requirement as soon as feasible.

- **Centennial will be in substantial compliance with the deadline.** Over the last eighteen months, Centennial has significantly increased the level of customer penetration of GPS-enabled handsets, at the same time that the penetration rate of non-GPS-enabled handsets being replaced by customers with GPS-capable phones has dramatically decreased. As shown in Exhibit 1, based on its current penetration rate of at least 79%, Centennial should meet or exceed

7 *Id.* at ¶ 44.

8 *Id.*

9 *Id.*

10 As further demonstrated throughout this Petition, Centennial also satisfies the requirements proposed by CTIA and Rural Cellular Association in their Joint Petition for Suspension or Waiver of the Location-Capable Handset Penetration Deadline, CC Docket No. 94-102 (filed June 30, 2005). CTIA and RCA argued that carriers should be entitled to relief from the December 31, 2005 95% penetration deadline if they “demonstrate that they have made a good faith effort to meet the Commission’s interim handset deployment benchmarks;” if they “demonstrate their progress in meeting PSAP deployment deadlines by submitting to the Commission their currently pending log of PSAP E911 Phase II deployment requests;” and if they satisfy any *one* of the following: *demonstrated lower-than-forecast churn rate; customer resistance to new handsets; substantial compliance, defined as 85% penetration of ALI-capable handsets in their installed base by the December 31, 2005 deadline; near-term plans to replace existing technology, such as moving from TDMA to GSM or CDMA; unanticipated technology failures; reliance by customers of rural carriers on analog handsets; or agreement with PSAPs on a deployment schedule that takes both parties’ needs into account.*

83% penetration of GPS phones by December 31 of this year, and fully anticipates that it will reach or exceed 95% penetration no later than December 31, 2006.

- **Centennial's request is precipitated by a technology upgrade that will better serve the purposes of E911.** As noted above, Centennial is in the process of overhauling its entire network in Puerto Rico, upgrading from a network-based to a handset-based solution. Without some of the triangulation and accuracy problems that are endemic to network-based systems, Centennial anticipates that the upgrade will both facilitate and quicken the dispatch of emergency services to its subscribers in Puerto Rico who use the E911 system, by making it easier for PSAPs to locate subscribers.

- **Puerto Rico's topography renders the use of a network-based solution less effective than a handset-based solution.** Puerto Rico is divided in half by a large mountain range, essentially dividing the island geographically into two parts. There are many areas in Puerto Rico in the central mountainous zone that are served by only one cellular site, rendering triangulation impossible. In light of Puerto Rico's geography, therefore, Centennial's deployment of a handset-based solution for E911 services will better serve the needs of its customers there.

- **A significant percentage of Centennial's customer base is resistant to handset upgrades.** Many Centennial customers are not frequent cellular phone users and therefore are less motivated to replace their existing handsets. For example, Centennial recently notified all of its existing customers in Puerto Rico using Motorola V-60 handsets – a five-year old model – that due to upcoming system changes, their existing handsets would not work properly. Nevertheless, of 1,500 such customers, only 300 responded to Centennial to replace their handsets.

- **Centennial and the sole PSAP for Puerto Rico are working cooperatively and quickly to deploy E911.** Centennial has a long-standing, cooperative working relationship with Junta de Gobierno del Servicio 911, the PSAP in Puerto Rico, on the deployment of E911 services. That level of cooperation is highlighted by the PSAP's anticipated support of, and lack of objection to, Centennial's recent proposal to continue maintenance of its network-based system until the 95% penetration rate has been reached. This will ensure, consistent with the PSAP's interests, that the maximum number of subscribers in Puerto Rico will have E911 access during the transition.

V. Centennial Has Taken Concrete Steps Towards a Clear Path to Full Compliance

Centennial has demonstrated, through compliance with FCC rules and policy, its commitment to making E911 a reality in its service areas, including Puerto Rico. Although the E911 system is still in the testing stages, Centennial is working closely with its network vendor, TeleCommunication Systems ("TCS"), pursuant to an aggressive schedule to complete system testing by November 30, 2005, so that the system will be operational shortly thereafter. (See Exhibit 2, attached hereto, with vendor confirmation of the testing schedule.)

Centennial will continue its commitment to full E911 implementation by maintaining its policy of selling only GPS-enabled handsets to subscribers. For example, Centennial has taken action to notify existing customers in Puerto Rico using non-compliant Motorola V-60 handsets of the critical need to replace their handsets for E911 implementation. Recently, Centennial also increased its line-up of available handsets from three or four available models to twelve compliant models, in order to make it more attractive for customers to replace their existing phones. These efforts will ensure that Centennial will continue on its path to compliance with

the rule by December 31, 2006, particularly in light of the projected penetration rate described above.

Centennial will also continue to keep the Commission apprised of any significant developments that occur regarding its Phase II implementation in its Caribbean market.

VI. Grant of a Waiver Would Serve the Public Interest

Strict enforcement of the December 31, 2005 deadline for 95% penetration, through denial of Centennial's Request for Waiver, would not serve – but would instead countermand – the public interest. The grant of Centennial's Request would further, rather than frustrate, the purpose of the rule. The Phase II benchmarks and E911 requirements generally were intended to enable deployment of E911 emergency services to cellular users as quickly as possible through advanced location techniques. By upgrading its system to a handset-based solution, Centennial will improve the accuracy with which first responders can locate and quickly reach cellular users in need of emergency assistance. The absence of any opposition by the sole PSAP in Puerto Rico bears witness to the direct relationship between Centennial's efforts to upgrade its system and the service of the public interest in Puerto Rico.

In fact, the only way to achieve 95% by deadline would be to force Centennial subscribers to upgrade their services by terminating service to all non-compliant handsets. This would leave many subscribers, even on a temporary basis, without *any* access to E911 services – a result the Commission did not intend through adoption of the Phase II benchmarks.

Most importantly, because Centennial has committed to maintaining its network-based system until the proposed December 31, 2006 deadline, its subscribers in Puerto Rico will continue to be served by E911 access during the transition, ensuring that the public interest will not be adversely impacted by grant of the waiver.


CONCLUSION

In light of the foregoing, Centennial respectfully requests that the Commission grant it a limited waiver and extend the December 31, 2005 deadline for compliance by Centennial in Puerto Rico with 47 C.F.R. § 20.18(g)(1)(v) to December 31, 2006.

Respectfully submitted,

Centennial Communications Corp.

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November 3, 2005

DECLARATION OF WILLIAM ROUGHTON

I, William Roughton, am the Vice President of Legal and Regulatory Affairs for Centennial Communications Corp.

1. I have read the foregoing Request of Centennial Communications Corp. for Limited Waiver / Extension of Location-Capable Handset Penetration Deadline ("Request") and am familiar with the contents thereof and the matters referred to therein.
2. I declare under penalty of perjury that the facts contained within the Request are true and correct to the best of my knowledge, information and belief.

11/03/05
Date



William Roughton

EXHIBIT 1

Centennial de Puerto Rico - GPS-capable Phone Penetration

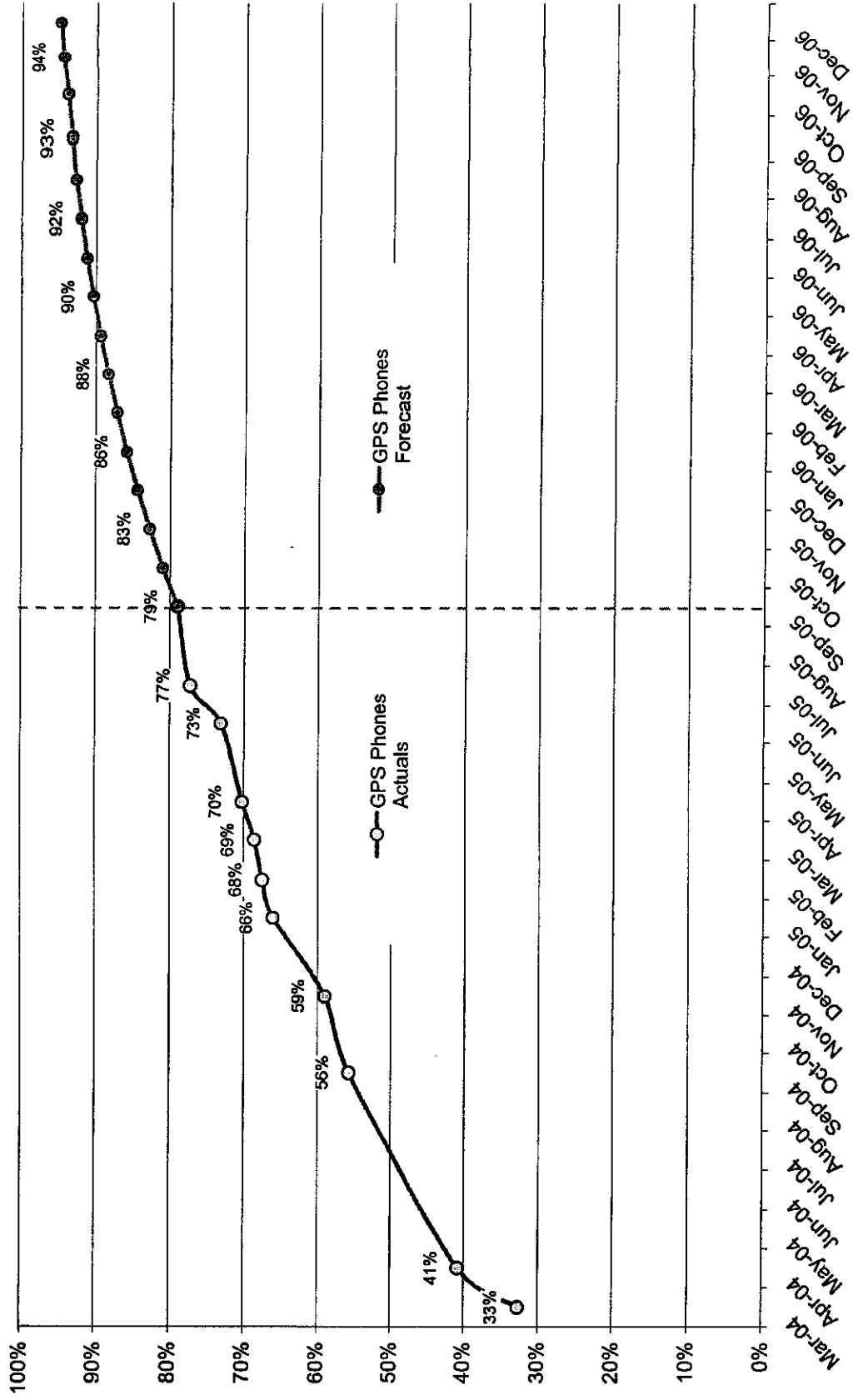
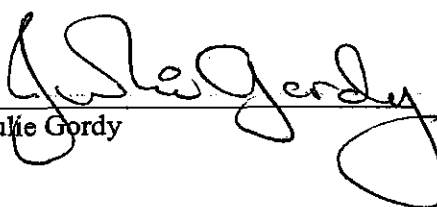


EXHIBIT 2

[illegible]

CERTIFICATE OF SERVICE

I, Julie Gordy, do hereby certify on this 3rd day of November, 2005 that a true and correct copy of the foregoing Request of Centennial Communications Corp. for Limited Waiver / Extension of Location-Capable Handset Penetration Deadline has been sent electronically to each of the individuals identified below.


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By: ECFS

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